



WESTFIELD-WASHINGTON

BOARD OF ZONING APPEALS

November 9, 2010

1011-VS-07

Exhibit 1

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| PETITION NUMBER: | 1011-VS-07 |
| SUBJECT SITE ADDRESS: | 800 East Main Street |
| APPELLANT: | City of Westfield |
| REQUEST: | <p>The Appellant is requesting multiple Variances of Standard from Westfield-Washington Zoning Ordinance (WC 16.04.050, D) to allow for development of the property for a relocated auto repair business.</p> <ul style="list-style-type: none">• Reduction in Minimum Lot Size from 5 acres to 0.5 acre;• Reduction in Minimum Road Frontage from 50 feet to 0 feet;• Reduction in Minimum Front Yard Setback from 60 feet to 40 feet;• Reduction in Minimum East Side Yard Setback from 15 feet to 0 feet;• Elimination of 1:3 Proximity Slope requirement. |
| CURRENT ZONING: | LB |
| CURRENT LAND USE: | Commercial |
| APPROXIMATE ACREAGE: | 0.8 +/- |
| RELATED CASES: | 1011-VU-06 |
| ZONING HISTORY: | <p>88-V-11; Variance of Use request to allow the manufacturing of cloth products; <i>Approved, but tied to specific owner; Variance is no longer valid</i></p> <p>95-AP-43; Site plan and signage plan for an antiques shop; <i>Approved</i></p> <p>96-AP-17; Site plan for pole building and signage plan for church; <i>Approved</i></p> <p>0506-SE-01; Special Exception for a temporary fruit stand; <i>Approved</i></p> <p>1007-VU-03; Variance of Use request to allow an indoor shooting range; <i>Denied</i></p> |
| EXHIBITS: | <ol style="list-style-type: none">1. Staff Report2. Aerial Location Map3. Appellant's Application & Plans |
| STAFF REVIEWER: | Kevin M. Todd, AICP |

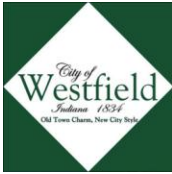
PETITION HISTORY

This petition will receive a public hearing at the November 9, 2010 Board of Zoning Appeals (the "BZA") meeting.

ANALYSIS

Property Location

The subject property is used commercially and is located on the north side of State Road 32, east of the NAPA Auto Parts store (the "Property"). The Property is located in the Local Business (LB) District and contains an antique shop, a restaurant, an auction house, and a storage building.



Project Description

The City is assisting an existing Westfield auto repair business in relocating their operation to the Property. Such relocation would provide an opportunity for the City to redevelop the existing Mufflers and More site in accordance with the Grand Junction Master Plan.

The proposal is to build a new building that includes a service area, an office area, and a customer waiting area (the "Proposal"). The building would be located between the existing antique shop and the existing storage building on the Property. The Appellant is requesting variances in order to permit auto repair in an LB District and to modify the identified development standards to permit construction of the proposed new building.

Grand Junction Plan

One objective of the Grand Junction Plan is to create a downtown area that is pedestrian-friendly and active. As the Grand Junction area is revitalized, it is anticipated that more pedestrians will be downtown. Successfully relocating this business from downtown to the Property, will help achieve the Grand Junction Plan's vision for a "comfortable walking environment" in Downtown Westfield.

PROCEDURAL

The Board of Zoning Appeals shall approve or deny variances from the development standards (such as height, bulk, or area) of the underlying zoning ordinance. A variance may be approved under Ind. Code 36-7-4-918.5 only upon a determination in writing that:

STANDARDS FOR VARIANCE REQUEST

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community:

Finding: It is unlikely that the Proposal would be injurious to the public health, safety, morals, and general welfare of the community. Locating an auto repair business outside of the pedestrian-oriented downtown area would likely reduce the potential conflict between pedestrians and vehicles, thereby creating a safer environment for downtown patrons.

2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner:

Finding: It is unlikely that the use and value of adjacent property will be affected in an adverse manner. Neighboring buildings and uses to the north, south, and east are commercial. Neighboring uses to the west are an auto parts store and a private school, which are both heavily screened by a mature stand of trees.

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property:

Finding: Strictly applying the LB development standards to the Proposal would not permit the relocation of the existing auto repair business. The Property cannot comply with the minimum lot size and road frontage requirements. Given the configuration of the Property and the proposed site layout, front yard setbacks, side yard setbacks, and the proximity slope requirements cannot be met either.



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RECOMMENDATIONS

Approve the request based on the findings of this report.

KMT